IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16280 of 1994

Between:

Sri P.Radhakrishna, S/o. Venkateswara Rao,
R/o. Attili, Atttili (M),
W.G.Dist.

..... PETITIONER

AND

1 The Commissioner of Collegiate Education, Govt of A.P.,
Hyderabad.
2 The Special Officer,S.V.S.S. Arts& Science College, Attili-Cum-Principal,S.C.I.M.Govt.,college, Tanuku, W.G.Dist.
3 The Principal ,S.V.S.S., Arts & Science College, Attili,
W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the order of the Commissioner of Collegiate Education in his proceedings No.Rc.No.4091/PCI-4/94-2,dt.../9/1994 as illegal, bad arbitrary and against the principles of natural justice and also offends art.14,16&19 of the Constitution of India..

Counsel for the Petitioner:MR.J.VENUGOPAL RAO

Counsel for the Respondents.: GP FOR EDUCATION

The Court made the following :

THE HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NO.16280 OF 1994

ORAL ORDER:

The petitioner passed M.Com in Commerce in the year 1986 and he joined as Commerce Lecturer on part-time basis on 29-02-1992 in the 3rd respondent College on payment of remuneration on hourly basis. He claims that he has satisfied all the requirements of eligibility prescribed under G.O.Ms.No.302, Education (CEI-2) Department, dated 23-08-1991 which provides for regularization of part-time lecturers working in private degree and junior colleges and therefore his services ought to have been regularized in the 3rd respondent College in the post held by him. However his services were not regularized, and on the other hand the proceedings in ROC.No.4091/PCI-4/94-2 dated 07-09-1994 were issued by the 1st respondent – Commissioner of Collegiate Education, Hyderabad intimating the Principal of the 3rd respondent College that one Sri A.V.Narasinga Rao, junior-most Lecturer in Commerce in A.M.A.L. College, Anakapalli who was found to be surplus lecturer was proposed to be transferred to the 3rd respondent College and if the management of the college was having any objections for the proposed adjustment, the same may be intimated to the Commissioner of Collegiate Education, Hyderabad by 14-09-1994. The grievance of the petitioner is that since only one vacancy was available in the 3rd respondent College in which he has been working on part-time basis, the implementation of the proceedings dated 07-09-1994 would result in termination of his services. Hence this writ petition challenging the proceedings dated 07-09-1994.

The contention of the petitioner is that since he has been working as part-time lecturer continuously for about two and half years, the respondents ought not to have accommodated some other person from a different college in the vacancy, but ought

to have regularized his services in terms of G.O.Ms.No.302, dated 23-08-1991.

Pending the writ petition, this Court by order dated 13-09-1994 in W.P.M.P.No.20127 of 1994 directed that no adjustment of surplus lecturer will be made until further orders in the post against which the petitioner is continuing on part-time basis. The said interim order has been in operation throughout.

In the counter-affidavit on behalf of the 1st respondent, it is stated that the petitioner was engaged only on hourly basis and since he was not appointed through properly constituted Selection Committee, he cannot claim any right to the post and therefore the writ petition is misconceived and he cannot be granted any relief.

Heard both sides and perused the material on record.

It is relevant to note that by virtue of the interim order the impugned order has not been implemented so far and the petitioner is being continued in the post in question for the past ten years. It is also relevant to note that either the lecturer who was found to be surplus in A.M.A.L. College, Anakapalli and who was proposed to be adjusted in the 3rd respondent College under the impugned proceedings or the said college is not before this Court. Whether he is still found to be surplus or whether he has already been adjusted in any other college is not known. The learned Counsel for the petitioner is also not in a position to state whether the services of the petitioner have been regularized or not. In the absence of relevant material particulars, I am of the view that the writ petition does not deserve adjudication on merits at this point of time. Instead I deem it appropriate to set aside the impugned proceedings, leaving it open to the 1st respondent to examine the entire issue taking into consideration the vacancy / surplus position as on today in the concerned colleges and to pass appropriate orders afresh in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

1st July,2004 ASSISTANT REGISTRAR

Copy to:

1 The Commissioner of Collegiate Education, Govt of A.P., Hyderabad.
2 The Special Officer,S.V.S.S. Arts& Science College, Attili-Cum-Principal,S.C.I.M.Govt.,college, Tanuku, W.G.Dist.
3 The Principal ,S.V.S.S., Arts & Science College, Attili, W.G.Dist.

4. Two C.Cs to Government Pleader for Higher Education, High Court Buildings, Hyderabad(OUT)

5. Two C.D. Copies.

Nn/Gbs.